

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

DOCKET FILE COPY ORIGINAL

In the Matter of)

Amendment of Section 73.622(b),)
Table of Allotments,)
Digital Television Broadcast Stations)
(Norwich, Connecticut))

MM Docket No. 04-184
RM-10968

RECEIVED

To: Marlene Dortch, Secretary
Federal Communications Commission

SEP 12 2005

ATTN: Chief, Video Division

Federal Communications Commission
Office of Secretary

MOTION TO DISMISS "SUPPLEMENT TO OBJECTION"

Connecticut Public Broadcasting, Inc. ("CPBI"), by counsel, requests dismissal with prejudice of a document entitled "Supplement to Objection" (Supplement) filed in the captioned docket by American Broadcasting Companies, Inc. (ABC) on September 2, 2005. ABC has not previously participated in this proceeding. Comments were due July 6, 2004, and reply comments on July 14, 2004. ABC has failed as required by Section 1.415(d) of the Commission's rules to file a separate motion for acceptance of the late filing, nor has it in any way explained the late filing. ABC does not in the Supplement take a position on the proposal to substitute DTV Channel *9 for DTV Channel *45 at Norwich, Connecticut, which is the subject matter of the proceeding. To the extent the filing of an extraneous pleading in the docket might further delay the Commission's decision, now pending for over a year, it would be prejudicial and unfair to CPBI for the Commission to accept ABC's "Supplement to Objection" in this docket.

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Accordingly, CPBI respectfully requests dismissal of the "Supplement to Objection" with prejudice.¹

Respectfully submitted,

CONNECTICUT PUBLIC BROADCASTING, INC.

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Its Attorneys

September 12, 2005

¹The Supplement also addresses issues raised previously by ABC in its January 15, 2004 informal objection to pending applications for a proposed exchange of DTV channels between CPBI's Station WEDH, Hartford, Connecticut and Station WEDN, Norwich, Connecticut (FCC Files No. BPEDT-19990113KG and BMPEDT-20031008AAT). Because the ABC objection to the use of Channel 45 at Hartford is informal, Section 73.3587 of the Commission's rules indicates that ordinary timing contained in Section 1.45 does not control. CPBI's consulting engineer is reviewing the Supplement, and CPBI plans to file a Response to the Supplement within the next few days. Out of an abundance of caution, all parties to both the rulemaking and applications proceedings are being served with a copy of this Motion to Dismiss.

CERTIFICATE OF SERVICE

I, Mary Kay McMahon, Secretary in the law offices of Schwartz, Woods & Miller, do hereby certify that I have on this 12th day of September, 2005, sent by First Class United States mail, postage prepaid, copies of the foregoing **MOTION TO DISMISS** to

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